

**REMARKS**

Claims 1-14, 16-22, 24, 26, 28 and 30 were examined and reported in the Office Action. Claims 1-14, 16-22, 24, 26, 28 and 30 are rejected. Claims 1-14, 16-22, 24, 26, 28 and 30 remain.

Applicant requests reconsideration of the application in view of the following remarks.

**I. 35 U.S.C. § 103(a)**

It is asserted in the Office Action that claims 1-14 and 16-30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Cheng, U.S. Patent Application Publication No. 2002/0078161 ("Cheng") in view of Ayyagari et al., U.S. Patent Application Publication No. 2002/0033554 ("Ayyagari "). Applicant respectfully traverses the aforementioned rejection for the following reasons.

Applicant previously submitted a 37 C.F.R. 1.131 declaration asserting that the Cheng and Ayyagari are not valid prior art documents as Applicant had conceived the claimed invention and was diligent in filing the above-mentioned patent application. Applicant notes that the 37 C.F.R. 1.131 declaration signed by the inventor (along with other evidence) is necessary to overcome the 35 U.S.C. §103(a) rejections. Applicant notes that Applicant's claimed invention should not be considered obvious by Cheng in view Ayyagari, and did not deem a 37 C.F.R. 1.131 declaration necessary until receiving the Final Office Action. Therefore, Applicant did not have a reason to present the declaration and other evidence prior to the receipt of the Final Office Action. Applicant asserts that the above reasons are good and sufficient reasons why the declaration and evidence are necessary and why the declaration and evidence were not previously submitted.

Accordingly, withdrawal of the 35 U.S.C. § 103(a) rejections for claims 1-14 and 16-30 are respectfully requested.

**CONCLUSION**

In view of the foregoing, it is submitted that claims 1-14, 16-22, 24, 26, 28 and 30 patentably define the subject invention over the cited references of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes a telephone conference would be useful in moving the case forward, he is encouraged to contact the undersigned at (310) 207-3800.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly, extension of time fees.

Respectfully submitted,

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Dated: September 27, 2006

By: 

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**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail with sufficient postage in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P. O. Box 1450, Alexandria, Virginia 22313-1450 on September 27, 2006.

  
Jean Svoboda